

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

E.D.,

Plaintiff,

v.

DANIEL SHARKEY, BERKS COUNTY
RESIDENTIAL CENTER-IMMIGRATION
FAMILY CENTER (BCRC-IFC),
COUNTY OF BERKS, PENNSYLVANIA,
THOMAS DECKER, ICE Field Office
Director, DIANE EDWARDS, Director of
BCRC-IFC, JEREMIAH / JOSH PETREY,
ICE Employee, JOHN BEHM, JAMIE
HIMMELBERGER, BRITTANY
ROTHERMEL, ERIKA TAYLOR, and
MATTHEW MALINOWSKI,

Defendants.

CIVIL ACTION NO. 16-2750

ORDER

AND NOW, this 16th day of May, 2017, after considering the allegations in the second amended complaint (Doc. No. 31), the separately-filed motions to dismiss of the defendants, Jeremiah Petrey and Thomas Decker (Doc. Nos. 36, 44), the plaintiff's responses to the motions (Doc. Nos. 38, 53), and the defendants' replies (Doc. Nos. 39, 55); accordingly, and for the reasons set forth in the separately-filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The motion to dismiss of the defendant, Jeremiah Petrey (Doc. No. 36), is **GRANTED**. Count II against Petrey is **DISMISSED WITHOUT PREJUDICE** and Count V against Petrey is **DISMISSED WITH PREJUDICE**;

2. The motion to dismiss of the defendant, Thomas Decker (Doc. No. 44), is **GRANTED**. Counts II, III, and V against Decker are **DISMISSED WITH PREJUDICE**; and

3. The plaintiff shall have fourteen (14) days from the date of this order to file a third amended complaint.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'E. G. Smith', is written over a horizontal line.

EDWARD G. SMITH, J.